

# THE NATIONAL REGISTER.

No. 15]

CITY OF WASHINGTON, APRIL 8, 1820.

[Vol. IX.

*Published, every Saturday, by JONATHAN ELLIOT, at five dollars per annum—payable in advance.*

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To the Editor of the National Register.

MR. ELLIOT,

The true character of a man is to be found in the actions of his life. The memory of the late commodore STEPHEN DECATUR is dear to Americans; but there are not many of his countrymen, I believe, who, in a moment, can recollect *all* the heroic circumstances connected with his fame. Many years have elapsed since he first commenced the career of glory; and the particulars of his renown, as in the case of other celebrated men, have been, more or less, comprehended and mingled in the general lustre of his reputation. The present appears to me a suitable time to recall to the minds of the American people the principal incidents in the life of that brave and accomplished gentleman; and, with that view, I pray you to insert in your Gazette the following Biographical Sketch, which appeared in the *Analectic Magazine* for June, 1813. I have endeavored to fill up the outline, by bringing down the narrative of the *Magazine* to the period of the fatal duel. I believe you will agree with me, sir; that, *it is easier to deprive the nation of such an officer than to supply his place.* C.

Commodore STEPHEN DECATUR is of French descent by the male line. His grandfather was a native of La Rochelle, in France, and married a lady of Rhode-Island. His father, Stephen Decatur, was born in Newport, (Rhode-Island) and when a very young man removed to Philadelphia, where he married the daughter of an Irish gentleman by the name of Pine. He was bred to the sea, and commanded a merchant vessel out of the port of Philadelphia until the establishment of the navy, when he was appointed to the command of the Delaware sloop of war. He continued in her until the frigate Philadelphia was built, when the command of that ship was given to him, at the particular request of the merchants, who built her by subscription. In this situation he remained until peace was made with France, when he resigned his commission, and retired to his residence, a

few miles from Philadelphia, where he resided until his death, which happened in November, 1808.

His son, Stephen Decatur, the present commodore, was born on the 5th January, 1779, on the eastern shore of Maryland, whither his parents had retired, whilst the British were in possession of Philadelphia. They returned to that city when he was a few months old, and he was there educated and brought up.

He entered the navy in March, 1798, as midshipman, and joined the frigate United States, under the command of Commodore Barry, who had obtained the warrant for him. He continued for some time with that officer, and was promoted to the rank of lieutenant. The United States at that time required some repairs, and, not wishing to remain in port he requested an order to join the brig Norfolk, then bound to the Spanish Main. He performed one cruise in her, as first lieutenant, and on his return to port, resumed his station on board the United States, where he remained until peace was concluded with France.

He was then ordered to the Essex, as first lieutenant, and sailed with commodore Dale's squadron to the Mediterranean. On the return of that squadron he was ordered to the New York, one of the second Mediterranean squadron, under the command of commodore Morris.

When he returned to the United States he was ordered to take the command of the Argus; and proceed in her to join Commodore Preble's squadron, then in the Mediterranean, and on his arrival there to resign the command of the Argus to Lieutenant Hull, and take the schooner Enterprise, then commanded by that officer. After making that exchange he proceeded to Syracuse, where the squadron was to rendezvous. On his arrival at that port he was informed of the fate of the frigate Philadelphia, which had ran aground on the Barbary coast, and fallen into the hands of the Tripolitans. The idea immediately presented itself to his mind of attempting her recapture or destruction. On Commodore Preble's arrival, a few days afterwards, he proposed to him a plan for the purpose, and volunteered his services to execute it. The wary mind of that veteran officer at first disapproved of an enterprise so full of peril; but the risks and difficulties that surrounded it only stimulated the arduous Decatur, and imparted to it an air of ad-

venture, fascinating to his youthful imagination.

The consent of the commodore having been obtained, lieutenant Decatur selected for the expedition a ketch (the *Intrepid*) which he had captured a few weeks before from enemy, and manned her with seventy volunteers, chiefly from his own crew. He sailed from Syracuse on the 3d February, 1804, accompanied by the United States' brig *Syren*, lieutenant Stewart, who was to aid with his boats, and to receive the crew of the ketch, in case it should be found expedient to use her as a fire-ship.

After fifteen days very tempestuous weather, they arrived at the harbour of Tripoli a little before sunset. It had been arranged between lieutenants Decatur and Stewart, that the ketch should enter the harbour about ten o'clock that night, attended by the boats of the *Syren*. On arriving off the harbour, the *Syren*, in consequence of a change of wind, had been thrown six or eight miles without the *Intrepid*. The wind at this time was fair, but fast declining, and lieutenant Decatur apprehended that, should he wait for the *Syren's* boats to come up, it might be too late to make the attack that night. Such delay might be fatal to the enterprise as they could not remain longer on the coast, their provisions being nearly exhausted. For these reasons, he determined to adventure into the harbor alone, which he did about 8 o'clock.

An idea may be formed of the extreme hazard of this enterprise from the situation of the frigate. She was moored within half gun shot of the Bashaw's Castle and of the principal battery. Two of the enemy's cruisers lay within two cables' length, on the starboard quarter, and their gun boats within half gun shot on the starboard bow. All the guns of the frigates were mounted and loaded. Such were the immediate perils that our hero ventured to encounter with a single ketch, beside the other dangers that abound in a strongly fortified harbor.

Although from the entrance to the place where the frigate lay was only three miles, yet in consequence of the lightness of the wind they did not get within hail of her until eleven o'clock. When they had approached within two hundred yards, they were hailed and ordered to anchor, or they would be fired into. Lieutenant Decatur ordered a Maltese pilot, who was on board the ketch, to answer that they had lost their anchors in a gale of wind on the coast, and therefore could not comply with their request. By this time it had become perfectly calm, and they were about fifty yards from the frigate. Lieutenant Decatur ordered a small boat that was alongside of the

ketch, to take a rope and make it fast to the frigate's fore chains. This being done they began to warp the ketch alongside. It was not until this moment that the enemy suspected the character of their visitor, and great confusion immediately ensued. This enabled our adventurers to get alongside of the frigate, when Decatur immediately sprang aboard, followed by Mr. Charles Morris,\* midshipman. These two were nearly a minute on the deck, before their companions could succeed in mounting the side. Fortunately, the Turks had not sufficiently recovered from their surprise to take advantage of this delay. They were crowded together on the quarter deck, perfectly astonished and aghast, without making any attempt to oppose the assailing party. As a sufficient number of our men had gained the deck, to form a front equal to that of the enemy, they rushed in upon them. The Turks stood the assault but a short time, and were completely overpowered. About twenty were killed on the spot, many jumped overboard, and the rest fled to the main deck, whither they were pursued and driven to the hold.

After entire possession had been gained of the ship, and every thing prepared to set fire to her, a number of launches were seen rowing about the harbor. This determined lieutenant Decatur to remain in the frigate, from whence a better defence could be made than from on board the ketch. The enemy had already commenced firing upon them from their batteries and castle, and from two corsairs that were laying near. Perceiving that the launches did not attempt to approach, he ordered that the ship should be set on fire, which was done, at the same time, in different parts. As soon as this was completely effected they left her, and such was the rapidity of the flames, that it was with the utmost difficulty they preserved the ketch. At this critical moment a most propitious breeze sprang up, blowing directly out of the harbor, which, in a few minutes, carried them beyond the reach of the enemy's guns, and they made good their retreat without the loss of a single man, and with but four wounded.

For this gallant and romantic achievement, Lieutenant Decatur was promoted to the rank of post captain, there being at that time no intermediate grade. This promotion was particularly gratifying to him, inasmuch as it was done with the consent of the officers over whose heads he was raised.

In the ensuing spring, it being determined to make an attack upon Tripoli, Commodore Preble obtained from the King of Naples the

\* Now Captain Morris of the *Adams*.

loan of six gun boats and two bombards, which he formed into two divisions, and gave the command of one of them to Captain Decatur, the other to Lieutenant Somers. The squadron sailed from Syracuse, consisting of the frigate Constitution, the brig Syren, the schooners Nautilus and Vixen, and the gun boats.

Having arrived on the coast of Barbary, they were for some days prevented from making the attack, by adverse wind and weather; at length, on the morning of the 3d of August, the weather being favorable, the signal was made from the commodore's ship to prepare for action, the light vessels towing the gun boats to windward. At 9 o'clock the signal was made for bombarding the town and the enemy's vessels. The gun boats were cast off, and advanced in a line ahead, led on by Captain Decatur, and covered by the frigate Constitution, and the brigs and schooners. The enemy's gun boats were moored along the mouth of the harbor under the batteries, and within musket shot. Their sails had been taken from them, and they were ordered to sink rather than abandon their position. They were aided and covered likewise by a brig of 16 and a schooner of 10 guns.

Before entering into close action Captain Decatur went alongside each of his boats, and ordered them to unship their bowsprits and follow him, as it was his intention to board the enemy's boats. Lieut. James Decatur commanded one of the boats belonging to Lieut. Somers's division, but being further to windward than the rest of his division, he joined and took orders from his brother.

When Capt. Decatur, who was in the leading boat, came within range of the fire from the batteries, a heavy fire was opened upon him from them and from the gun boats. He returned their fire, and continued advancing until he came in contact with the boats. At this time Commodore Preble, seeing Decatur approaching nearer than he thought prudent, ordered the signal to be made for a retreat; but it was found that in making out the signals for the boats, the one for a retreat had been omitted. The enemy's boats had about forty men each; ours an equal number, twenty-seven of whom were Americans and thirteen Neapolitians. Decatur, on boarding the enemy, was instantly followed by his countrymen, but the Neapolitans remained behind. The Turks did not sustain the combat, hand to hand, with that firmness they had obtained a reputation for: in ten minutes the deck was cleared; eight of them sought refuge in the hold; and of the rest, some fell on the deck, and others jumped into the sea. Only three of the Americans were wounded.

As Decatur was about to proceed out with

his prize, the boat which had been commanded by his brother came under his stern, and informed him that they had engaged and captured one of the one of the enemy, but that her commander, after surrendering, had treacherously shot Lieutenant James Decatur, and pushed off with the boat, and was then making for the harbor.

The feelings of the gallant Decatur, on receiving this intelligence, may more easily be imagined than described. Every consideration of prudence and safety was lost in his eagerness to punish so dastardly an act, and to revenge the death of a brother so basely murdered. He pushed within the enemy's line with his single boat, and having succeeded in getting alongside of the retreating foe, boarded her at the head of eleven men, who were all the Americans he had left.

The fate of this contest was extremely doubtful for twenty minutes. All the Americans except four were now severely wounded. Decatur singled out the commander as the peculiar object of his vengeance. The Turk was armed with an esponton, Decatur with a cutlass; in attempting to cut off the head of the weapon, his sword struck on the iron and broke close to the hilt. The Turk at this moment made a push, which slightly wounded him in the right arm and breast. He immediately seized the spear and closed with him. A fierce struggle ensued, and both fell, Decatur uppermost. By this time the Turk had drawn a dagger from his belt, and was about to plunge it in the body of his foe, when Decatur caught his arm, and shot him with a pistol, which he had taken from his pocket. During the time they were struggling on the deck, the crews rushed to the aid of their commanders, and a most sanguinary conflict took place, inasmuch, that when Decatur had despatched his adversary, it was with the greatest difficulty he could extricate himself from the killed and wounded that had fallen around him.

It is with no common feeling of admiration that we record an instance of heroic courage, and loyal self devotion, on the part of a common sailor. During the early part of Decatur's struggle with the Turk, he was assailed in rear by one of the enemy, who had just aimed a blow at his head with his sabre that must have been fatal; at this fearful juncture, a noble hearted tar, who had been so badly wounded as to lose the use of his hands, seeing no other means of saving his commander, rushed between him and the uplifted sabre, and received the blow on his own head, which fractured his skull. We love to pause and honour great actions in humble life, because they speak well for human nature. Men of

rank and station in society often do gallant deeds, in a manner from necessity. Their conspicuous situation obliges them to do so, or their eagerness for glory urges them on; but an act like this we have mentioned, so desperate, yet so disinterested; done by an obscure, unambitious individual, a poor sailor, can spring from nothing but innate nobleness of soul. We are happy to add that this generous fellow survived, and now receives a pension from government.

Decatur succeeded in getting with both of his prizes to the squadron, and the next day received the highest commendation, in a general order, from Commodore Preble. When that able officer was superseded in the command of the squadron, he gave the Constitution to Capt. Decatur, who had, some time before, received his commission.\* From that ship he was removed to the Congress, and returned home in her when peace was concluded with Tripoli. On his return to the United States, he was employed in superintending gun boats, until the affair of the Chesapeake, when he was ordered to succeed Commodore Barron in the command of that ship, since which period he has had the command of the southern squadron. When the United States was again put in commission, he was removed from the Chesapeake to that frigate.

The foregoing particulars were furnished us by a friend, as materials from which to form a biography; but we were so well pleased with the simplicity, conscientiousness and modesty of the narration, that we resolved to lay it before our readers with merely a few trivial alterations.

The present war with Great Britain has given Commodore Decatur another opportunity of adding to the laurels he had already won. On the 25th October, 1812, in lat. 29 N. long. 29 30 W. he fell in with his Britannic Majesty's ship Macedonian, mounting 49 carriage guns. This was one of the finest frigates in the British navy, and commanded by Capt. John S. Carden, one of the ablest officers. She was in prime order, two years old, and but four months out of dock. The enemy being to windward, had the advantage of choosing his own distance; and, supposing the United States to be the Essex, (which only mounts carronades,) kept at first at long shot, and did not at any moment come within the complete effect of the musketry and grape. After the frigates had come to close action

the battle was terminated in a very short period, by the enemy's surrender. The whole engagement lasted for an hour and a half, being prolonged by the distance at which the early part of it was fought, and by a heavy swell of the sea. The superior gunnery of the Americans was apparent in this, as in all our other actions. The Macedonian lost her mizen-mast, fore and main top masts and main yard, and was much cut up in the hull. Her loss was thirty-six killed, and sixty-eight wounded. The damage of the United States was comparatively trivial, four killed and seven wounded; and she suffered so little in her hull and rigging, that she might have continued her cruise, had not Commodore Decatur thought it important to convey his prize into port. His reception of Captain Carden on board of the United States was truly characteristic. On presenting his sword, Decatur observed that he could not think of taking the sword of an officer who had defended his ship so gallantly, but he should be happy to take him by the hand.

We are sorry to observe that Captain Carden has not been ingenuous in his account of this affair. He mentions that, "after an hour's action the enemy backed and came to the wind, and *I was then enabled to bring her to close action.*" Now, on the contrary, we have it from the *very best authority*, that the United States was close hauled to the wind, and her commander was extremely anxious to come to close quarters. There are other parts of Captain Carden's official letter that are exceptionable, but we shall pass them over without comment. It is natural for a proud and gallant mind to writhe under humiliation, and to endeavor to palliate the disgrace of defeat; but a truly magnanimous spirit would scorn to do it at the expense of a brave and generous foe. Capt. Carden must know that he had it in his power to close with the United States whenever he pleased, and that there was no movement on the part of Commodore Decatur to prevent it. We again repeat, that it is with regret we notice any instance of disingenuousness in an officer whose general character we admire, and whose deportment at all times to our countrymen has been such as to entitle him to the highest good will.

It is not one of the least circumstances of Commodore Decatur's good fortune, or rather good management, that he conveyed his prize, in her shattered condition, across a vast extent of ocean, swarming with foes, and conducted her triumphantly into port; thus placing immediately before the eyes of his coun-

\* It was dated the 16th February, 1804, the day on which he destroyed the Philadelphia. He also received a vote of thanks and a sword for that achievement.



trymen a noble trophy of his own skill, and of national prowess.

Such has been the brilliant career of this naval hero. In private life his fortune has been equally propitious. Honored by his country, beloved by his friends, and blessed by the affections of an amiable and elegant woman.\* He is now in the very prime of life, pleasing in his person, of an intelligent and interesting countenance; and an eye in whose mild and brilliant lustre, spirit, enterprize and urbanity are happily blended. His deportment is manly and unassuming, and his manners peculiarly gentle and engaging; uniting the polish of the gentleman with the frank simplicity of the sailor. It is with the most perfect delight that we have noticed our naval officers, on returning from the gallant achievements which are the universal topics of national pride and exultation, sinking at once into unostentatious and quiet citizens. No vain-glorious boastings, no puerile gaseonades, are ever heard from their lips; of their enemy they always speak with courtesy and respect; of their own exploits, with unaffected modesty and frankness. With the aspiring ardour of truly brave spirits they pay but little regard to the past; their whole souls seem stretched towards the future. Into such hands we confide, without apprehension or reserve, our national interests and honor; to this handful of gallant worthies is allotted the proud destiny of founding the naval fame of the nation, and of thus having their names inseparably connected with the glory of their country.†

\* Some years since Commodore Decatur was married to Miss Wheeler, of Norfolk, a lady celebrated for her accomplishments, and at that time a reigning belle in Virginia.

† The frigates United States and Macedonian are both lying in the port of New-York, and are easily compared with each other. They have been measured, and the following are the results:

	United States.	Macedonian.
Length of deck,	176 ft.	166 ft.
Breadth of beam,	43 ft.	43 ft. 8 in.
Tonnage,	1405	1325

Each vessel has 15 ports on a side, on the main deck; the first carries 24 and the later 18 pounders thereon. The carronades of each, on the quarter deck and fore-castle, are of the like calibre; and the only further difference is, that the United States had five more of them. It is false that our frigates carry 4 lb carronades; they have only 32's.

The gallant conduct of Commodore Decatur, in capturing the Macedonian, has been rewarded by numerous tokens of public gratitude. He has received a vote of thanks and medal from congress; a vote of thanks and sword from the state of Virginia; a vote of thanks from Maryland; a vote of thanks and sword from Pennsylvania; a sword from the city of Philadelphia; a vote of thanks from Massachusetts; a vote of thanks from the state of New-York; the freedom of the city of New-York, and has been elected an honorary member of the Cincinnati Society of that state. Public dinners have been given him, and various other entertainments.

Thus far the Biographical Sketch of the Analectic Magazine.

In January, 1815, a cruise to the East Indies was determined upon by government, with a squadron under the orders of Commodore Decatur, who then commanded the frigate President, lying at New York. In attempting to put to sea in the face of a British naval force, consisting of the Majestic razee, and the frigates Endymion, Tenedos, and Poinona, the President, through the negligence of the pilot, struck upon the bar of that port, in consequence of which her ballast shifted, and the swiftness of her sailing was impaired. Commodore Decatur, nevertheless, from the course of the wind, was, in some measure, compelled to proceed. He fell in with the British squadron, which gave chase; and the Endymion sailing faster than the President, came up with and engaged her. This English frigate, however, was beaten off, and would have been inevitably captured, had not the remainder of the squadron got up, and overpowered the Americans. Commodore Decatur, who was wounded in the engagement, would not deliver his sword to the captain of the Endymion, and surrendered it only to the commander of the British squadron, every vessel of which was near, and two within striking distance of the President when she yielded. For some time it was insisted that the Endymion alone had made the capture; but an official advertisement in the English newspapers, notifying a distribution of prize-money, on account of the frigate President, among the officers and crews of *all the ships of the capturing squadron*, proved that this was a vainglorious boast.

After the peace of Ghent, the Algerines having taken advantage of the late war to commence hostilities against the United States, commodore Decatur was despatched with a squadron to the Mediterranean, to bring those Barbarians to terms. With his usual promptness and decision, he forced the Dey to submit, dictated conditions to him in his palace, and, in conjunction with William Shaler, esquire, Consul General to Algiers, obliged Omar Bashaw to sign a treaty, now subsisting, which freed all the citizens of the United States then in captivity, abolished all tribute, and stipulates that American prisoners shall, in future, be exempt from the labors and privations hitherto incident to Algerine slavery. The Dey was further compelled to make restitution of property unjustly sequestered; and the United States, in every respect, are placed upon the footing of the most favored nation.

Congress having, on the 7th of February, 1815, enacted a law, authorising the President, by and with the advice and consent of

the Senate, to appoint three officers of the Navy, whose rank should not be below a post captain, to constitute a Board of Commissioners for the Navy of the United States, Commodore Decatur, on his return from the Mediterranean, was selected by President Madison as one of these. He was in the vigilant and satisfactory exercise of the duties of this office, when he was challenged to single combat, with pistols, by Commodore James Barron, formerly of the frigate Chesapeake, and was mortally wounded at the first fire. He was immediately conveyed to the city of Washington, from Bladensburg, the scene of this bloody catastrophe, and died at his own residence on the night of the 22d of March, 1820, in excruciating pain, but with manly firmness, amidst a vast circle of friends, great numbers of whom crowded to his dwelling on the first news of his disaster. His remains were deposited, on the 24th of the same month, in the vault of Kalorama, the well-known seat of the late Joel Barlow, Esq whence, we understand, the corpse will be eventually removed to Philadelphia, for final interment. The funeral was accompanied with military honors, and the concourse of citizens and strangers in attendance, was the most numerous ever known on any similar occasion in the District of Columbia.

The house of Commodore Decatur, late the house of joy, has thus been filled with sadness and mourning; his lady, suddenly, and in the prime of life, finds herself widowed and desolate in her mansion; and strangers may soon inhabit where late this gallant spirit dwelt!

#### NUMBER OF EPISCOPAL CLERGYMEN IN THE UNITED STATES, 1820

EASTERN DIOCESE.	New Hampshire,	4
Rt. Rev. Alexander V. Griswold, D. D. Bishop,	Massachusetts,	14
	Vermont,	5
	Rhode Island,	6
Rt. Rev. Thos. C. Brownell, D. D. L. L. Bishop Connecticut,		43
Rt. Rev. John H. Hobart, D. D. Bishop, New York,		60
Rt. Rev. John Croes, D. D. Bishop, New Jersey,		14
Rt. Rev. Wm. White, D. D. Bishop, Pennsylvania,		25
	Delaware,	4
Rt. Rev. James Kemp, D. D. Bishop, Maryland,		48
Rt. Rev. Richard D. Moore, D. D. Bishop,	Virginia,	29
	N. Carolina,	5
Rt. Rev. Nathaniel Bowen, D. D. Bishop, South Carolina,		26
Rt. Rev. Philander Chace, D. D. Bishop, Ohio,		6
Georgia,		3
Kentucky,		4
Louisiana,		1
Missouri Territory,		1

Total, 298

In the House of Representatives—Mr. CLAY presented the following resolutions on the 28th instant, (hitherto omitted in this paper.)

Resolved, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them: and that no treaty purporting to alienate any part thereof, is valid without the concurrence of Congress.

2. Resolved, That the equivalent proposed to be given by Spain to the United States, in the treaty concluded between them on the 22d of Feb. 1819, for that part of Louisiana, lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign power, and to renew the aforesaid treaty.

It will be observed that the import of the above resolutions may furnish, in the absence of the Florida question, a fruitful topic for debate, especially as they evidently are intended to convey an indirect censure on the conduct of the executive, in relation to the negotiation of the late treaty with Spain, wherein our claim to this very territory has been given up, as a part of the "equivalent" for the cession of the Floridas. It will also be virtually reviving the former question on the treaty-making powers, so often discussed in Congress, and as often decided that the Senate and Executive, are independent of the House of Representatives in the discharge of these important functions; and which the second article of the Constitution ordains in the following words:—"The president shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

*New Minister to Russia.* MR. WASHINGTON CAMPBELL having declined, Mr. HENRY MIDDLETON, of South Carolina, formerly, Governor of the state, and lately a Representative in Congress, has been appointed by the President, with the consent of the Senate.

*Fire.* Maj. John Peter's warehouse, at the foot of High-street, Georgetown, D. C. was burnt on the 1st inst. the contents destroyed and supposed to have been worth 20,000 dollars.

*The Caucus.* SAMUEL SMITH of the Maryland Delegation in Congress, affixed his name to a public notice, dated on the 4th inst. concerning a Caucus to nominate persons for the offices of President and Vice President of the U. S. About forty members met agreeably to such notice, in the hall, on the 8th inst. when it was resolved unanimously that it was inexpedient at this time, to proceed to the nomination of persons to the above offices, and the meeting adjourned sine die. This attempt has been severely censured by a large majority of congress.

Gen. VIVES, the Spanish minister, appointed to make certain explanations in relation to the unratified treaty, ceding the Florida, reached Washington on the 9th inst.

**RYE COFFEE**—Pat's method.

"Aye sure," says Pat, "rye coffee's strong

"To make one feel so frisky;"

But Pat his coffee did not make

Of rye—but of RYE-WHISKY.

## 16th CONGRESS—1st SESSION.

## IN SENATE.

MARCH 30.

The following bills were reported from the respective committees:

- 1 A bill concerning the West India trade:
- 2 A bill to increase the salaries of the District Judges:
- 3 A bill for the punishment of Piracy &c:
- 4 A bill respecting laying out a town on the commons near Cahokia in Illinois:
- 5 A bill for the relief of Richard Smith:
- 6 A bill establishing a grade of rear Admiral in the United States naval service.

These bills were severally read twice.

## BILLS PASSED.

1. The bill from the House, making appropriations for the military service for the year 1820.

2. The engrossed bill for the relief of certain sufferers at Savannah.

A resolution, for adjournment, on the 24th of April, was passed, yeas 21—nays 20.

A message was received from the President of the United States, by the hands of Mr. J. J. Monroe transmitting the annual abstract of the Militia returns. The aggregate is reported at 832,191 From Delaware, no return has been received since 1810; from Maryland and South Carolina, none since 1811 from Mississippi, none since 1812! From Kentucky and Tennessee, the returns are reported to be imperfect.

The Senate then, on motion of Mr. BARRILL, resumed the consideration of the bill to establish an uniform system of bankruptcy.

Mr. ORIS observed that the bill had undergone so material a change in its character by the principles and provisions which had been added to it by way of amendments, that it had lost much of his friendship. He wished to make an effort to restore it to such a shape as, in his view, would improve its utility and render it less objectionable and therefore moved "that the bill be recommitted to the committee on the Judiciary, with instructions to amend the same by striking out the proviso in the first section of the bill [enumerating the classes of mechanics and others who are excluded from the operation of the bill,] and also with instructions to amend the same by extending the privileges of the act of persons imprisoned for debt, upon their voluntary application therefor."

After submitting his motion, Mr. O. added a remark or two to shew that the bill, if amended as he proposed, would still be so applied, by construction as to embrace many classes, and answer, in a great degree, the views of Mr. Van Dyke, and those gentlemen who had favored his proposition.

Mr. BARBOUR, believing, from the indications he had perceived, that there was little chance of a majority of the Senate being united in support of any system of bankruptcy at this session, rose to move that this bill be postponed until the next session of Congress. In making this motion, Mr. B. took occasion to disclaim any hostility or want of respect for the mercantile class or the business of commerce which he not only held in estimation from its intrinsic respectability, but as a great constituent of the national interests, and which, in his part of the country, was held in equal esteem with other vocations. Mr. B. then proceeded to submit his reasons for standing in opposition to a general system of bankruptcy: its conferring privileges on particular classes: its pernicious tendency to generate

fraud: the unfavorableness of all the experience of England on the subject: the evils which he apprehended from its operation on society, and which he was particular in endeavoring to shew.

The question being taken on Mr. BARBOUR's motion to postpone the bill until the next session of Congress, was decided in the negative, yeas 19—nays 22.

The question recurring on the proposition offered by Mr. ORIS to recommit the bill.

Mr. VAN DYKE offered succinctly the reasons which, in his view, were opposed to the motion, and which justified the bill as it stood.

Mr. BARRILL advocated the recommitment, particularly from a desire to discard that feature which applies the act to all classes of debtors to a certain amount, by their voluntary consent.

Mr. KING of N. Y. maintaining the opinion that Congress had no power to enact an insolvent law, though it had the power, emphatically given, to pass a bankrupt law, was rather in favor of a course that would try specific question on these principles instead of recommitment. If the Senate should finally insist on stretching the powers of the government to the enactment of the principle adopted on the motion of Mr. Van Dyke, anxious as he was for a bankrupt law of some kind, and of almost any kind, within the terms of the constitution—for defects might be remedied hereafter, according to experience—he should be constrained to vote against the bill. Mr. K. argued his opinions at some length.

Mr. ORIS defended the course he had proposed, as the only mode of getting at his object, inasmuch as the amendments having been agreed to, could not now be reached by any specific and direct motion in the Senate; and he also explained more at large his views of the principles in question, concurring with Mr. King so far as to doubt whether an insolvent act, which Mr. Van Dyke's amendment would amount to, was in the contemplation of the framers of the constitution: he argued against this principle also from its practical operation upon the business and affairs of society.

The question was then taken on the motion to recommit the bill, and was negatived without a division.

Mr. DICKERSON moved to strike out the proviso in the first section, excepting various mechanical classes, &c. from the operation of the bill, conceiving it no longer necessary if the feature introduced by Mr. Van Dyke were retained.

This motion was negatived by yeas and nays, yeas 9, nays 28.

Mr. MELLEVEY moved to strike out the 60th section of the bill, which is in substance as follows:

Sec. 60. That this act shall not repeal or annul the laws of any state now in force, or which may be hereafter enacted for the relief of insolvent debtors except so far as the same may respect persons who are, or may be clearly within the purview of this act, and whose debts shall amount, in the cases specified in the second section thereof, to the sums therein mentioned. And, if any person within the purview of this act shall be imprisoned for the space of three months, for any debt, or upon any contract unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provision of this act, such debtor may, and shall be entitled to relief of insolvent debtors, this act notwithstanding.

This motion was negatived by a large majority; and no other motion being made, the question was taken on ordering the bill, as amended, to be en-

grossed and read a third time, and was decided in the negative, by yeas and nays, as follows:

**YEAS**—Messrs. Burrill, Dana, Dickerson, Elliot, Gaillard, Hunter, Lanman, Mellen, Parrott, Pinkney, Roberts, Sanford, Stokes, Tichenor, Vandyke.—15.

**NAYS**—Messrs. Barbour, Brown, Eaton, Johnson, of Ken. Johnson, of Lou. King, of Ala. King, of N. Y. Leake, Lowrie, Macon, Morrill, Otis, Palmer, Pleasants, Ruggles, Smith, Taylor, Trimble, Walker, of Ala. Walker, of Geo. Williams, of Miss. Williams, of Ten. Wilson.—23.

MARCH 31

On motion of Mr. DICKERSON, the message of the 20th instant, transmitting, in compliance with a resolution of the Senate, of the 16th of February last, abstracts of the bonds, or other securities, given under the laws of the United States, by the Collectors of the Customs, Receivers of Public Monies for lands, and Registers of Public Lands; Paymasters in the army, and Purser in the Navy, who are now in office, or who have heretofore been in office, and whose accounts remain unsettled, together with a statement of such other facts as may tend to shew the expediency, or inexpediency, of so far altering the laws respecting such officers, that they may hereafter be appointed for limited periods, subject to removal as heretofore, was referred to a select committee, composed of Messrs. Dickerson, Burrill, Lanman, Dana, and King, of N. York.

Mr. OTIS rose to move a reconsideration of the vote of yesterday, by which the Bankrupt Bill was indefinitely postponed. He was induced to make this motion from some encouragement which he had received from gentlemen who had taken an active part in the bill, to hope, that principles might be so adjusted and embodied as to make it acceptable to all the friends of a bankrupt act; and from the willingness which had been manifested even by those opposed to a bankrupt system, to give it a fair trial. Should they be able to agree, all, probably would rejoice in the event; and to give the bill one more chance for its life, he made this motion, with the intention, should it succeed, of moving its recommitment to the judiciary committee.

Mr. WALKER, of Georgia, as the Senate was then moved to postpone a decision on the motion, until Monday; but at the request of several gentlemen, afterwards withdrew it. He was, however, opposed to the reconsideration. The bill had taken up a great deal of time, and its rejection took place after mature consideration. He thought it undesirable to revive the question, to go over the discussion again, as it would be a useless consumption of time.

Mr. LANMAN was in favor of the reconsideration, though he knew not how he should finally be induced to vote, if the bill were again brought up. He thought, however, that the cries of the numerous petitioners who had prayed relief, ought to be listened to and seriously considered. The bill, it seemed, had been thrown out by a sort of side-way operation; and it ought to be fairly decided according to the opinions of the majority, as to the expediency of granting relief; if a majority thought relief should be provided, that opinion ought to prevail. He was glad the motion was made, and hoped it would be agreed to.

Mr. KING, of New-York, that if there was any possibility, on a revision of the subject, of coming to a favorable conclusion, it ought to be tried. We, said Mr. K. have given the gentlemen on the other

side evidence of a willingness to afford relief to one part of the country; and have passed a bill extending a liberal indulgence [to the purchasers of public lands.] Even in regard to the large and embarrassing debt due in Alabama, there was a disposition to afford relief. He referred to the extent of the distress which demanded relief from the bankrupt act, and to the manner in which that distress was incurred to shew that it was eminently entitled to the favorable consideration of the Senate. One remark he would add, on the subject—it was, that for the 3 years succeeding the late war, one half of the money arising from importations had gone into the treasury of the nation—the government lost nothing—yet it was these very importations that brought ruin on many of those who now solicited the relief of this act.

Mr. VAN DYKE was glad the motion was made. He had no hesitation in saying that to obtain the passage of the bill, he would meet gentlemen on liberal ground, and if he could not obtain all he desired in such a bill, he would take what others he believed would be ready to concede, and be able he hoped to agree on a system which would produce much good, though it might not in every particular be agreeable to all.

Mr. WILSON conceived that no public good could be produced by a re-consideration of the bill; and would only desire an opportunity of recording his vote on this motion; for which purpose he asked for the yeas and nays.

Mr. KING, of Alabama, was in favor of a bankrupt law, if confined to the trading part of the community. He believed it proper to give them the relief asked for; it was due to them on account of the debts which they owed abroad, and which no other means would relieve them from; and, as foreign debtors could by their bankrupt laws free themselves from debts due to our merchants, justice required that the latter should have the same privilege when misfortunes rendered it desirable. He could not, however, vote for a system similar to that which had been rejected, extending it to all classes—it would be extremely injurious, if not ruinous, to the planters and farmers to be subjected to the operation of such a system.

Mr. SMITH would have no objection to a reconsideration, if any new lights had been shed on the subject since its rejection. But, after all amendment which it could receive, and the most mature consideration and discussion, the decision had been given against the bill, and it was rejected by a decided majority. It was not proper, under these circumstances, to revive it. Public feeling was not a good reason for this motion, because public feeling existed equally before. Besides, the Senate had fixed on a day to adjourn, and would be bound by it, if the other house agreed to it. The bankrupt bill had its full portion of the time of the Senate, and other business claimed a share of it. As no new evidence or facts, he repeated, had come to light in support of the bill, he could not consent to take it up again.

The question being taken on the motion for reconsideration, it was decided in the negative, by yeas and nays, as follows:

**YEAS**—Messrs. Burrill, Dana, Dickerson, Elliot, Hunter, King, of Ala. King, of N. Y. Lanman, Mellen, Otis, Parrott, Sanford, Stokes, Tichenor, Trimble, Van Dyke, Williams, of Miss.—17.

**NAYS**—Messrs. Eaton, Gaillard, Johnson, of Ken. Johnson, of Louisiana, Leake, Logan, Lowrie, Macon, Morrill, Palmer, Pleasants, Roberts Ruggles,



Smith, Thomas, Walker, of Alab. Walker, of Geo. Williams, of Ten. Wilson.—19.

Mr. TRIMBLE submitted the following resolutions for consideration:

Resolved, That the Secretary of the Treasury cause to be prepared and laid before the Senate, at the commencement of the next session of Congress a statement of money annually appropriated and paid, since the Declaration of Independence, for purchasing from the Indians, surveying, and selling the public lands; shewing, as near as may be, the quantities of land which have been purchased, the number of acres which have been surveyed, the number sold, and the number which remain unsold, the amount of sales, the amount of forfeitures, the sums paid by purchasers, and the sums due from purchasers and from receivers, in each land district.

Resolved, That the Secretary of the Treasury cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a statement of the money expended in each year, since the Declaration of Independence, in holding conferences and making treaties with the Indian tribes; specifying grants and presents, whether in money or goods, annuities paid, and now payable to the Indian tribes; the money annually appropriated and paid for the Indian trade, including the sums paid for salaries and allowances to superintendents, clerks, factors, commissioners, agents, interpreters, and all other persons employed under the authority of the United States, in the negotiations and intercourse with the Indian tribes.

#### APRIL 3

#### DISTRICT OF COLUMBIA.

The Senate took up the resolution submitted by Mr. JOHNSON, of Ky on the 29th ult. to enquire into the expediency of giving to the District of Columbia a Delegate on the floor of Congress.

Mr. JOHNSON added a few remarks to what he had said in support of his motion when first submitted.

Mr. KING, of N. Y. briefly stated his objections to the motion, founded principally on the opinion that this was an enquiry which it was proper, from motives of delicacy to leave to the other House, as the delegate, if authorized, would take his seat there; that the people of the District had not asked of Congress this privilege; that it had been given to territories only which looked forward to become independent members of the Union, and might sanction or give color to an impression that Congress contemplated a similar result, at some time, in this instance.

Mr. JOHNSON replied, to obviate the objections of Mr. K. and enforce his reasons (heretofore fully reported) in favor of the motion; after which, the resolution was agreed to—ayes 15, noes 14.

Mr. PLEASANTS, from the committee on naval affairs, communicated to the Senate a document, containing a plan (by Lieut Ramage, of the Navy) for the defence of the commerce and the protection of the revenue of the United States in the Gulf of Mexico, near the river Mississippi; which was read and ordered to be printed.

The Senate resumed, as in committee of the whole, the bill more effectually to provide for the punishment of crimes against the United States, and for other purposes, (to revise and embody in one act various penal laws of the United States.)

The bill—consisting of thirty-three printed folio pages, and embracing a great mass of detail—was read through, and some progress made in the con-

sideration of its provisions: when the Senate adjourned.

#### TUESDAY, APRIL 4.

The Senate were occupied almost the whole sitting, and until a late hour, on the amendments reported to the civil appropriation bill, by the committee of Finance, and those offered to it by others. The bill has been ordered to a third reading as amended.

#### WEDNESDAY, APRIL 5.

Mr. STOKES, from the committee on the post office and post roads, made a report unfavorable to the petition of Joseph Timberlake, postmaster at Fredericksburg, Va. (praying an increase of compensation,) which was read.

Among the petitions this day presented was one by Mr. King of N. Y. from Nathaniel Cutting, praying a further allowance of compensation as Secretary of Legation to the Barbary powers.

Mr. LEAKE, from the committee on Indian affairs, to whom the enquiry was referred, made a report adverse to the expediency of abolishing the system of Indian trade, as established by the law of March 2, 1811.

The bill for the relief of the heirs of Tench Francis was considered, and ordered to be engrossed for a third reading.

Mr. SMITH, from the judiciary committee, to whom the claim of John H. Piatt had been referred, made a detailed report of the facts of the case.

The bill from the other House, making appropriations for the centre building of the Capitol, was taken up in committee of the whole, and being amended by inserting an appropriation of 2400 dollars for alterations in the Senate Chamber, was ordered to a third reading; subsequently read a third time, passed, and returned to the other House.

The civil appropriation bill was also read a third time, as amended, passed, and sent to the House of Representatives for concurrence in the amendments.

The Senate took up the bill more effectually to provide for the punishment of certain crimes against the United States, (consolidating the penal acts of the Union;) when,

On motion of Mr. WILSON, made on the ground that there was not at this session time enough to spare for properly considering the numerous provisions of this long bill, it was postponed to a day beyond the session, without objection.

The Senate then resumed the consideration of the bill for the better organization of the Treasury Department, (providing summary process for the recovery of debts due by defaulters, &c.) Mr. Barbour's amendment, heretofore stated at large, being still under consideration—

Considerable discussion of this amendment again took place; and the proposition was finally agreed to.

The bill was ultimately ordered to be engrossed and read a third time by the following vote:

YEAS—Messrs. Barbour, Burrill, Dickinson, Elliot, Gaillard, King, of N. Y. Leake, Logan, Loring, Macon, Morrill, Noble, Palmer, Parrott, Pleasant, Roberts, Sanford, Smith, Stokes, Taylor, Tichenor, Trimble, Walker, of Alab. Williams, of Geo. Williams, of Miss. Williams, of Ten. Wilson.—28

NAYS—Messrs. Dana, Eaton, Edwards, Hunter, Lanham, Mellen, Otis, Ruggles.—8.

APRIL 6.

On motion of Mr. WILLIAMS of TEN. the committee on military affairs, who were instructed to enquire into the expediency of passing a law, for the settlement of the accounts of Colonel William Duane, and for allowing him a compensation for his services and expenses, in the publication of certain military works, under the direction and patronage of the War Department; were discharged from the further consideration of the subject; and on motion of Mr. Johnson of Ky. the documents in relation to the subject, were ordered to be transmitted to the Secretary of War.

Mr. ROBERTS, from the committee of Claims, made a report on the petition of Matthew Lyon, accompanied by a bill for his relief.

Mr. HUNTER from the committee on the District of Columbia, to whom the subject had been referred, reported a bill, to incorporate the General Convention of the Baptist Denomination in the District of Columbia, for Evangelical and Literary purposes.

Mr. DICKERSON, having obtained leave, introduced, agreeably to notice, a bill to continue in force the act "to protect the commerce of the United States and punish the crime of piracy," and also to make further provision for punishing the crime of piracy.

## WEST INDIA TRADE.

The Senate then proceeded to the consideration of the bill supplementary to the "act concerning navigation," (reported by the committee on foreign relations on the 30th ult. in pursuance of the resolution adopted on the 14th ult. on the motion of Mr. King, of New York.) The bill is as follows:

Be it enacted, &c. That from and after the — day — all and every of the provisions and regulations of the act of Congress passed on the 18th day of April, 1818, entitled "An act concerning navigation," be; and the same are hereby extended and made applicable to the islands of Cape Breton, St. Johns, Newfoundland and their dependencies, to the Bermuda Islands, the Bahama Islands, the Islands called Caicos, and to all other colonies, plantations, islands, and possessions belonging to or under the dominion of Great Britain, in the West Indies, on the continent of America, south of the 20th degree of north latitude: And all and each of the enactments and provisions of said act shall be construed as extending to, and as applying to, all and every of the possessions, colonies, places, and islands above mentioned.

Sec. 2 And be it further enacted, That from and after the — day of — no goods, wares, or merchandize, shall be imported into the United States of America from the province of Nova Scotia the province of New Brunswick, the Islands of Cape Breton, St. Johns, Newfoundland, or their respective dependencies, from the Bermuda Islands, the Bahama Islands, the islands called Caicos, or either or any of the aforesaid possessions, islands, or places, or from any other province, possession, plantation, island, or place, under the dominion of Great Britain in the West Indies, or on the continent of America, south of the 20th degree of north latitude, except only such goods, wares, and merchandize as are truly and wholly of the growth, produce, or manufacture of the province, colony, plantation, islands, possession or place aforesaid, where the same shall be laden, and from whence such goods, wares, or merchandize, shall be directly imported into the United States; and all goods, wares, and merchandize, imported, or attempted

to be imported, into the United States of America, contrary to the provisions of this act, together with the vessel on board of which the same shall be laden, her tackle, apparel, and furniture, shall be forfeited to the United States.

Sec. 3. And be it further enacted, That all penalties and forfeitures incurred by the force of this act, shall be sued for, recovered, distributed, and accounted for, and may be remitted or mitigation in the manner and according to the provisions of the revenue laws of the United States.

The bill having been read, Mr. Brown, chairman of the committee on foreign relations, submitted to the Senate the views of the committee in reporting the bill, and the considerations generally which, in his opinion, required its enactment.

Mr. King of New-York, Mr. Macon, Mr. Barbour, Mr. Otis, and Mr. Parrott, respectively offered their reasons in favor of the bill. The last named gentleman is friendly to the object of the bill, but thinking that it does not go far enough, and to obtain time further to examine its provisions, moved its postponement until to-morrow.

Mr. Ruggles and Mr. Wilson, explained their reasons for being adverse to the bill.

The bill was then laid over until to-morrow.

Mr. MONRIE submitted a resolution directing an enquiry into the expediency of an earlier meeting of the next Session of Congress than the day fixed by the Constitution.

The engrossed bill providing for the better organization of the Treasury Department was read the third time, and the blanks therein filled.

After some further debate, in which Mr. Barbour and Mr. Eaton principally engaged;

The question was taken on the passage of the bill, and on a division the vote was—for the bill 19—against it 9.

So the bill was passed and sent to the House of Representatives for concurrence.

The engrossed bill for the relief of Tench Francis was read the third time, passed, and sent to the other House for concurrence.

The Senate then resumed the consideration of the bill to establish an additional circuit court, to comprise the states of Tennessee and Alabama.

On motion of Mr. WILLIAMS of Tennessee, for the reasons heretofore stated, the bill was so amended as to embrace Tennessee, alone (leaving to Alabama a district court at present, but with an understanding that hereafter, when the immense mass of litigation in Tennessee shall have been disposed of, and the business of Alabama require it, this court will be extended to the latter state.)

The bill was then ordered to be engrossed for a third reading.

## HOUSE OF REPRESENTATIVES.

MARCH 31.

Mr. SMITH, of N. C. from the committee of accounts, reported in favor of paying out of the contingent fund to Thomas Constantine, two hundred and fifty dollars, which was concurred in.

The bill from the Senate "for the relief of certain sufferers by the fire at Savannah in Georgia," was read the first and second time and referred to the committee of Ways and Means.

The bill from the Senate, for the relief of the heirs and representatives of Nicholas Vreeland, deceased, was read the third time and passed.

Mr. RANSFORD moved an adjournment until Monday, in order to pay respect to the day, being Good Friday, which was negative.

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The bill for the relief of Delisle, Dudley, and Van Cleef, being read a third time, and the question stated on its passage, Mr. Cooke moved that the bill be indefinitely postponed.

[This is a case in which a forfeiture has been incurred by the importation of six domestic servants (slaves) by a captain of a vessel from a foreign port, he being officially assured, by the consul of the United States resident there, in writing, that there was nothing in the laws of the United States forbidding the importation of family slaves, by importing himself into the United States. The Bill proposes a remission of the forfeiture thus incurred without any intent to violate the law.]

An extensive debate took place on the merits of the bill, when a doubt was suggested by Mr. Barbour, whether congress possessed the power to remit that portion of the forfeiture which by law accrues to the informers or prosecutors of the alleged offence, and whether the bill therefore did not in this respect require a limitation to that portion of the penalty which accrued to the U. States.

Finally a motion to recommit the bill by Mr. Pindall prevailed, with instructions so to amend it as to remit only that portion of the forfeiture which has accrued to the use of the United States; which motion was decided affirmatively, by a vote of 64 to 52.

Bills from the Senate, of the following titles, viz:

A bill for the relief of Jennings O'Bannon.

A bill for the relief of John A. Dix.

A bill for the relief of the legal representatives of John O'Connor, deceased.

A bill authorising payment to be made for certain muskets impressed into the service of the U. States.

A bill for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased.

A bill for the relief of Robert Swartwout.

A bill for the relief of John Harding, John Schute, and John Nichols.

A bill authorising the Secretary of State to issue letters patent to Richard Wilcox.

These bills were severally read a third time, passed, and returned to the Senate.

These bills have now passed both Houses.

#### REVOLUTIONARY PENSION LAW.

The House then proceeded, on motion of Mr. Barbour, to the consideration of the amendment reported by a select committee to the bill to amend the Revolutionary Pension Law.

Several amendments were proposed to the bill, and successively negatived, an indisposition appearing to any alteration of its present form.

Mr. WILLIAMS, of N. C. then said he was not able to discover any good reason for a distinction between the officers and soldiers of the Revolutionary war now reduced to poverty; and as putting them on the same footing would save to the country annually a considerable sum of money, he moved to add the following as a new section of the bill:

"That no officer who is, or may hereafter be, placed on the pension list, shall, after the payment of that part of his pension which became due on the fourth day of March, 1820, be entitled to receive more than ten dollars per month, the same as received by all other persons on the pension list."

The yeas and nays being taken, were—For the motion 62,—Against it 89. So the motion was negatived.

Mr. CANNON, under the impression that the service of the Militia had been of as much importance and their sacrifices as great at least as those of the

continental soldiers, moved to amend the bill by adding a new section, the object of which was to embrace in the provisions of the pension law the officers and soldiers of the Militia who actually served for — months during the Revolutionary war.

Mr. HARRIS suggested that the proposition of the gentleman from Tennessee was incomplete. He ought to have connected with it provisions for a direct tax or internal duties, which would be the necessary consequence of a measure that would add full five millions to the present amount of expenditures under the pension act.

Mr. CANNON said, he would tell the gentleman, if Congress went on with their present enormous expenditures, he should be ready, without this provision, for a direct tax. He placed his motion, he said, on the grounds of equity and justice, which appeared to him to sustain it.

Mr. BLOOMFIELD said a few words against the motion, when the question was taken thereon, and decided in the negative five or six members rising in support of it.

Mr. CAMPBELL moved an amendment, that no application for a pension, should be received after the first day of June, 1820.

This motion was supported by the mover, and opposed by Messrs. McLean, Livermore, Foot, Calpeper, Bloomfield and A. Smyth—and was decided in the negative, without a division.

Mr. STROTHER then moved to strike out the whole of the bill, except the enacting clause, and to insert in lieu of it a provision for the total repeal of the Revolutionary Pension Law.

Mr. S. said he voted the law, without foreseeing the extent of its operation. Being convinced, now that its benefits were not equal to its expensiveness, he made the best reparation he could to the country, by moving its repeal.

Mr. CANNON assigned the reason why, contrary to his disposition heretofore expressed, he should vote for the repeal of the law. He had endeavored to obtain amendments to the law, to place the officers and soldiers on the same footing, and to place the militia man, of equal or greater merit, on the same footing as the continental soldier. In these objects he had failed; and he felt himself now bound to vote for the repeal of a law unjust and inequitable in its operation.

Without further debate, the question was taken on the motion of Mr. STROTHER, to repeal the law, and decided as follows: For the motion, 32, against the motion, 122. So the motion was rejected.

Mr. MORRIS moved an amendment, the object of which was to strike out the whole bill, and insert a provision, limiting the continuance of the pension of nine-month's men to three years, and of three years' men to nine years, from the time they are placed on the pension list. This motion was negatived, 86 to 46.

Mr. STROTHER then moved an amendment, the object of which was, to diminish the rate of the pensions 50 per cent. (or one half,) from and after the 4th day of September next. This motion was also negatived, but not by so large a majority as the last.

Mr. WHITMAN then moved to add two other new sections to the bill the object of which was to guard by cautionary provision of a rigid nature, against frauds by persons acting or assuming to act as agents for pensioners, &c. The House would not agree to the amendment.

The question was then taken on ordering the bill

to be engrossed for a third reading, and decided in the affirmative, by a large majority.

It was then determined, on motion of Mr. HILL, to meet hereafter at 11 instead of 10 o'clock,

APRIL 1.

#### REVOLUTIONARY PENSION BILL—PASSED

An engrossed bill entitled "An act in addition to an act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary War," passed through a committee of the whole, was read a third time, and passed:

**YEAS**—Messrs. Alexander, Anderson, Archer of Md. Archer of Va. Ball, Barbour, Beecher, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of N. H. Cannon, Cobb, Cocke, Crawford, Crowell, Culpeper, Cuthbert, Darlington, Davidson, Dickinson, Earle, Eddy, Edwards of N. C. Fisher, Floyd, Folger, Foot, Forrest Fullerton, Garnett, Hall, of N. Y. Hazard, Hendricks, Herrick, Hooks, Hostetter, Jones of Va. Jones of Tenn. Kinsey, Lowndes, Lyman, Maclay, McCoy, McLean, of Ken. Metcalf, Newton, Overshott, Parker of Va. Patterson, Philson, Rankin, Reed, Rhea, Richards, Robertson, Ross, Russ, Sampson, Settle, Shennah, Smith of Md. B. Smith of Va. A. Smyth of Va. Smith of N. C. Southard, Strother, Tarr, Terrell, Tomlinson, Tompkins, Trimble, Tucker of Va. Tucker of S. C. Tyler, Warfield, Williams of N. C.—80.

**NAYS**—Messrs. Adams, Allen of Mass. Allen of N. Y. Allen of Tenn. Baldwin, Bateman, Bayly, Boden, Brush, Buffum, Case, Clagett, Clark, Cork, Crafts, Culbreth, Cushman, Dewitt, Dowse, Edwards, of Con. Edwards of Penn. Fay, Fuller, Gross of N. Y. Gross of Penn. Hackley, Hall of Del. Hardin, Hemphill, Hibbsman, Hill, Holmes Kendall, Kent, Kinsley, Lathrop, Lincoln Linn, Livermore, McCreary, Mallary, Mason, Meigs, R. Moore, S. Moore, Monell, Morton, Mosely Murray, Neale, Nelson of Mass. Nelson, of Va. Parker of Mass. Phelps, Pindall, Pitcher, Plumer, Rich, Rogers, Silsbee, Sloan, Stephens Storrs, Strong of N. Y. Swearingen, Taylor, Tracy, Van Rensselaer, Wallace, Wendover, Whitman, Wood,—72.

Mr. ANDERSON, from the committee on Public Lands, made a report on the petition of sundry inhabitants of the state of Ohio, residing between the Miami and Sciota rivers. The report was unfavorable to the petitioners, and was concurred in by the House.

Mr. ANDERSON, from the same committee, who were instructed to enquire into the expediency of passing a law, to procure for the use of the United States, copies of the plans and field notes of the lands in the "Ohio Company's Purchase," made an unfavorable report thereon.

Mr. CAMPBELL, from the committee on Private Land Claims, made an unfavorable report on the petition of Jacob Upp. Ordered to lie on the table.

Mr. KENT, from the Committee on the District of Columbia, reported a bill for the relief of William Pancoast, which was read twice and ordered to be engrossed for Tuesday next.

The bill from the Senate apportioning the Representatives of the Congress to be elected in the state of Massachusetts and Maine, was read a third time and passed.

#### COMMISSARY GENERAL.

The following resolution was submitted by Mr. Cocke, of Tennessee:

Resolved, that the Secretary of War be instructed to lay before this House copies of all contracts made and entered into by the Commissary General for supplying provisions for the army of the United

States, since the establishment of that Department; also, all propositions made, and which were not withdrawn, for supplying the same, specifying particularly to which contract the several propositions apply. Agreed to.

#### PROMOTIONS and APPOINTMENTS in the NAVY and in the MARINE CORPS.

(CONFIRMED BY THE SENATE.)

Lieutenants in the Navy to be Masters Commandant: George Budd, Thomas Ap Catesby Jones, Joseph S. M'Pherson, John Porter, William Bolton Finch, William B. Shubrick, Benj. W. Booth, and Alexander Claxton.

Midshipmen to be Lieutenants in the Navy.

John Jay Young, Charles H. Bell, Abraham Bigelow, Otho Stallings, William Boden, (since dead) Zachariah W. Nixon, John P. Cambreling, Henry C. Newton, Frank Ellery, Frederick Varnum, Frederick G. Walbert, Walter Newcomb, Joseph R. Jarvis, Thomas W. Freelan, and Pardon M. Whipple.

Samuel E. Watson, First Lieutenant, to be Captain of Marines, vice, Lyman Kellogg, resigned.

James M. Clements, Second Lieutenant, to be a First Lieutenant of Marines.

To be Surgeons' Mates:

Joseph Kenz, Lou. Francis S. Beattie, Pa. Thomas J. Nelson, N. Y. James Cornick, Va. Robert F. Dandridge, Va. Charles R. Smith, Ct. William Williamson, N. J. William D. Babbitt, Mass. Robert Falconer, N. C. Samuel C. Smith, Ky. Alexander Williams, Tenn. Joseph B. Stidman, N. Y. Thomas Boyd, Del. Edward Tilley, Md. George Terrill, Va. and David N. Mahon, Pa.

To be Pursers in the Navy:

John B. Fanning, Mass. Edward N. Cox, N. Y. and Nathaniel H. Perry, R. I.

To be Second Lieutenants in the Marine Corps:

Augustus A. Nicholson, S. C. Charles Betts, Va. Charles Sears, Mass. James M'Cawley, jr. Penn. Benjamin Macomber, R. I. George Cooper, Mass. Abraham N. Brevoort, N. Y. and Samuel S. Coggesman, N. J.

#### OFFICIAL APPOINTMENTS.

The following appointments, we learn, have been recently made by the President of the United States, with the advice and consent of the Senate:

George F. Strother, at present a Member of the House of Representatives, from the State of Virginia, to be Receiver of Public Moneys at St. Louis in the Territory of Missouri.

Tunstall Charles, at present a Member of the House of Representatives, from the state of Kentucky, has been in like manner appointed Receiver of Public Monies, for the district of Cape Girardeau, in the Territory of Missouri.

George Bullitt, of Arkansas, to be Register of the Land Office at Cape Girardeau.

Hartwell Boswell, of Kentucky, to be Register of the Land Office, for the district of Lawrence, in Arkansas.

John Trimble, of Kentucky, to be Receiver of Public Moneys, at the same place.

William Douglass Simms, of Alexandria, to be Register of the Land Offices at Arkansas, in Arkansas.

Henry W. Conway, to be Receiver of Public Moneys at the same place.

Benjamin S. Pope, of Alabama, to be Register of the Land Office at Huntsville.

Obadiah Jones, of Alabama, to be Receiver of Public Moneys, at the same place.



Christopher Ellery, of Rhode Island, to be Collector of the district of Newport, R. I.

Barnabas Bates, of Rhode Island, to be Collector for the district of Bristol, R. I.

Humphrey Peake, of Virginia, to be Collector for the district of Alexandria

#### GEN JACKSON'S MEMORIAL CONCLUDED

The case of Arbuthnot and Ambrister was not within the reach of any rules or articles of war. The rights and privileges here secured belonged only to our own countrymen; and as the offences charged were committed by foreigners beyond our own territorial limits and jurisdiction, our municipal code contained nothing by which to test the offence. To it the principles of national law was alone applicable, which attached no penalty to their crimes other than death. In organizing the court of enquiry, it was only intended (as in councils of war) that the opinion should operate directly, and as advice, not to become binding. In the second sentence pronounced by the special court upon Ambrister, there was a departure from the rules of that law upon which alone it was believed jurisdiction was had of the offence. Nor was it less a violation of the rules and articles of war; for those rules had denounced corporal punishment. The sentence, therefore, was void, because known to no law. Your respondent, therefore, conceived himself authorized to carry into execution the first sentence; because it awarded the only punishment that was legal to be inflicted; and because his lawless, audacious conduct, entitled him to die. Besides, Ambrister was the most criminal. He had commanded, in person, a corps of Negroes, with the view of anticipating your respondent in the occupation of St. Marks, and was actually taken in arms against the forces of the United States.

The general commanding, as in all such cases, possessed the right, by the law of nations, to retaliate and to punish; nor could the organizing of the court deprive him of the power. The court of enquiry derived its existence, and its whole authority, from the order for its organization; and no more could they exercise a power not delegated to them, than could a committee of your honorable body enquire into matters not contained in the resolution which created them. The order calls it a special court, and directs it to perform special duties. It only asks for opinions; and gives no right to carry those opinions into execution. It details a recorder, by which a court of enquiry is ever distinguished from courts martial; the latter having a judge advocate, without which no proceedings can be had, and no sentence pronounced.

Censure was endeavored to be attached in consequence of the withdrawal of the regular troops from the posts on the Georgia frontier, and concentrating them at Fort Montgomery, on the Alabama river, a considerable distance west of the Georgia line. In the commission of this military error, your respondent had no participation; it was done in pursuance of an order of Mr. Crawford, then Secretary of War—an order which he was bound to obey, although contrary to his own opinion.

Upon the subject of raising and organizing the volunteers of West Tennessee, which has called forth the severest animadversions, your respondent did not, as he conceives, "disregard the orders of the War Department, the constitution, and laws." His orders were, to call upon the Governors of the adjacent states for such additional military force as he might deem necessary to beat the enemy. The

order was entirely discretionary, as no number or description of troops were mentioned. In the language of the Secretary of War's letter to Governor Bibb, your respondent was "vested with full powers to conduct the war in the manner he might judge best."

When his appeal was made to the citizens of West Tennessee, the frontier settlements were threatened on every side with danger and distress, as well as our troops at Fort Scott and on the Apalachicola. Major Muhlenburg was endeavoring to ascend that river with provisions, &c. and was arrested in his progress, and surrounded by 8 or 1200 Indians. Col. Arbuckle, commandant at Fort Scott, was also about to abandon his post for want of supplies. The 1000 Georgia militia, who had been called out for 60 days, after advancing forty miles from Hartford, to the neighborhood of Fort Early, were returning home, leaving the command of Col. Arbuckle, as also the Georgia frontier, in an exposed and perilous condition. Not only from the public journals, but from the communications of Col. Arbuckle, had this intelligence been received. Under these circumstances Major Fanning was despatched to Georgia, with a request that the Governor should continue those troops in the field for an additional period, or supply the deficiency, as early as practicable, by an equal number of volunteers.

As it was not known at this time whether the Governor of Tennessee was at Knoxville, or in the Cherokee nation, your respondent made his appeal to his old and tried comrades in arms, desiring them to follow him to the field, in defence of their invaded country. In affording the desired relief, no time was to be lost. Delay was replete with danger; and defeat and disaster would have been the result, had the dilatory process of drafting been resorted to. The same day on which the appeal was made, the Governor of Tennessee was written to; and apprised of the attempt to obtain volunteers, and that 1000 drafted militia would be required, should the appeal not be promptly and successfully answered. In reply, the Governor gave his entire approbation to the measure, and co-operated in raising an additional company of mounted volunteers, which was commanded by capt. Dunlap, and which joined the army at Fort Gadsden.

All the volunteers were raised and organized under the laws of Tennessee the officers of whom were elected by themselves, and not appointed by your respondent, as asserted by your committee.—Although earnestly solicited to appoint them, he peremptorily refused. To the officers who had served him in the late Creek and British war, he stated, not only in his appeal, but also upon their meeting at Nashville, that they were to organize themselves in the manner they might think proper; that the grade of the officers was to be determined by themselves; and those raising companies were to command them. The only agency of your respondent in the whole transaction, was the appointment of colonel Hayne, Inspector General of the Southern Division, to superintend their organization; and lead them to Fort Scott, where he took the command. Every measure touching the raising and organizing this volunteer corps, was regularly communicated to the Secretary of War, and received his unqualified approbation.

The committee admit, that the laws of congress authorise the President to call on the governors of the different States for such portions of militia as he may deem requisite; but deny that there is any

law in existence vesting him with authority to accept the services of volunteers. Here they have endeavored to make an impression on the nation that volunteers are not militia; and that the circumstance of volunteering their services in preference to being drafted, essentially and radically changes their character. There is certainly no position more unsound; as is clearly evinced by the fact, that most of the calls of the general government have been met in this way, by the patriotic and gallant yeomanry of our country: until now it has never been complained of.

When a requisition is made by the President on any State in the Union for a quota of militia, it is sufficient if they are forth coming; and it is believed that he has no authority, under the laws or constitution of the United States, to inquire into the mode in which they have been raised and organized. This is a question to be determined exclusively between the governor of a State and its own citizens. It is one of the attributes of state sovereignty, guaranteed by the federal constitution, and with which the Executive and Congress cannot interfere. If an officer of the United States' arms should be guilty of an infringement of this state prerogative, and the complaint of its governor or legislature should be considered as the only basis to authorise an enquiry into his official conduct.

It is stated, by your committee, that it was not found necessary to furnish the President with a list of the names of the militia officers; "and not until the pay rolls were made out and payment demanded, were the persons known to the Department of War." A majority of your committee were within reach of all the information necessary to the correction of this error. Colonel Hayne's communications to the Secretary of War were on file in that office; from which they might have been informed of the number and grade of the officers, as well as of every particular relative to the organization of the volunteers; together with the express and decided approbation of that department of the government. Appended to the report are the pay-rolls filed in the office of the Paymaster General. Why they omitted to examine the muster roll in the War office, from which the pay roll was transcribed, your respondent is at a loss to determine. Upon an examination of the pay roll, they should have known that, agreeably to the rules and articles of war, they must have been made out from the muster rolls, which designate by name the number and grade of the officers mustered into service. The muster roll, together with the letters of Col. Hayne, would have satisfied the committee that the volunteers had been organized agreeably to the laws of Tennessee; and that it was a procedure over which the general government could exercise no control.

By the rules and articles of war, "troops of all descriptions shall be mustered once in two months for payment; nor shall any payment be made but upon muster rolls, signed by the Inspector General, or his assistant; or, in the absence of these, by some officer of the army of the United States, especially assigned to this duty by the general or other officer commanding the department in which the troops so mustered shall be."

Again, "the officers and soldiers of any troops, whether militia or others, being mustered and in the pay of the United States, shall at all times, and in all places, when joined or acting in conjunction with the regular forces of the United States, be

governed by the rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the regular forces, save only that such courts martial shall be composed entirely of militia officers."

From these extracts it must appear evident, that no payment can be made, but upon muster rolls, signed by the Inspector General, &c. and that, from the time they are made out and received at the War office, the militia are considered in the service of the United States. Neither congress nor the President have any authority to enquire how their officers have been appointed: whether they have been received as volunteers, or raised by the more tedious and vexatious method of drafting. Were the idea of your committee correct upon this subject, the people of the different states would be deprived of the invaluable privilege of selecting between these two modes of complying with calls made upon them for the defence of our common country. The general government had the services of those troops, which is all that can be required; and they have long since been mustered out of service, and paid from the public treasury.

The committee confess that the Secretary of War approved the manner in which the Tennessee volunteers were raised and organized; but say, that "it is but justice to the department to state, that it was not until the officers that had assisted in thus officering and organizing this corps were examined by the committee, that they were apprized of the illegality of the measure." Surely the secretary of War must have examined the communications of Col. Hayne and your respondent, stating every particular touching the mode agreeably to which they were raised and organized, as also the muster rolls, giving the grade and number of the officers by name; all of which were transmitted, and acknowledged to have been received, at an early period, at that office. He certainly could not have compromised himself so far as to give his approbation to a measure before he was made acquainted with its nature and tendency.

Troops of the same description of the Tennessee volunteers, were received and employed by the government on our northern frontier and southern borders, during the late struggle with England, and in the war with the Creek nation of Indians. They fought the battles of Talladega, Emucklaw, the Horse Shoe, and New Orleans, and protected Mobile from British visitation. Volunteers, similarly raised and organized, were commanded by governors Shelby, Harrison, Edwards and General Porter of New York, during the same period. The field officers of the Georgia militia were appointed in the same manner on the west bank of the Ocmulgee; and one of the present Senators from Tennessee actually appointed the officers of his own regiment, which he raised without any authority, and which he commanded on an expedition against the Seminole Indians in 1812. The most of those troops were paid off by the United States, received the approbation of the general government, and the applause of the nation.

It is stated in the report of the committee to the Senate, that the "whole strength of this miserable, undisciplined banditti of deluded Indians, and fugitive slaves, when combined, did not exceed 1000 men. Opposed to whom, previous to General Jackson's taking command, and under Gen. Gaines, were a force of 1800 regulars and militia, besides the 500 friendly Indians, illegally subsidized by the last mentioned General; what then, in this case,

becomes of the plea of necessity?" It is plainly to be inferred, then, that this motley horde of Negroes and Indians were too inconsiderable to justify raising the volunteer forces, which was employed in reducing them to a term of submission.

It is well known to all those acquainted with the character of Indians, and their peculiar mode of warfare, that it is almost impossible to form a correct estimate of their aggregate force, until the termination of the war. In this case General Gaines had computed them at 2800; and Arbuthnot, who officiated as a military chief of the savages, had represented them, in a communication to the British minister, Mr. Bagot, to be 3,500 strong. This calculation was by no means extravagant, when it is considered that from 8 to 1200 had been concentrated at a single point, when lieutenant Scott and party were attacked, and that they were daily increasing in number. Whatever might have been their whole effective strength, at any period of the war, it could have been augmented by auxiliary bands in Florida, and it was certainly the duty of the commanding general to call out such an additional force, as should insure success in every emergency. Furthermore, the greatest portion of the Georgia militia then in the field, could be retained in service only for about three months. And it was expected that they would apply for discharges so soon as their time expired. Your respondent considered the lives of our citizens as too precious to be risked in a contest with Indians, where there was an odds of two to one, unless dire necessity demanded the exposure. The consequence of an opposite policy was, that the decisive and rapid movement of our overwhelming numbers distracted and dispersed the enemy, compelled them to seek refuge in the Spanish fortresses, woods and swamps; and they never were afforded an opportunity to display their whole force by concentration. The war was speedily and effectually terminated, and much blood and treasure saved to the nation.

With regard to the Indian and militia force, under the command of General Gaines, previous to the time your respondent assumed the command of the army, he has to remark, that, until a few days anterior to his arrival at Fort Scott, not a single Indian warrior had joined the standard of the United States; nor had the first requisition of Georgia militia ever united with the command of General Gaines; the latter had returned home, in consequence of which, it became absolutely necessary on the part of General Gaines to make a second call on the Governor of that state, for the double purpose of defending the frontier and occupying Amelia Island.

A few of the friendly Indians joined your respondent before he reached Fort Scott, and a considerable number at that place, making in the aggregate about four or five hundred. The balance of the force under his command, was not, at that time, more than nine hundred effectives; and he confidently affirms, that when he took up the line of march from Fort Gadsden, on the 25th of March, 1818, his whole command fit for duty consisted only of 360 privates of the regulars, about 800 Georgia militia, and Major Lovet's detachment of friendly Creeks. McIntosh and his warriors were organized at Fort Mitchell, after the arrival of your respondent at Fort Hawkins, and never united with him until the 1st of April, about six miles in the rear of Micasuky. All these facts were accessible to your committee, had they been disposed to examine the letters of your respondent, on the file

in the Department of War. To this department all his communications were made; and there they should have applied for correct information, if it had been wanted.

The next subject which has exposed your respondent to bitter reproach from the committee, is the order which was directed to General Gaines, to occupy St. Augustine. A letter from Major Twiggs had conveyed the intelligence that our savage enemies had been fed and furnished from that garrison; and it was rendered highly probable, that, aided, abetted, and encouraged by the commandant, they were recruiting and embodying at that place with a view of renewing hostilities. A strong presumption was created that this, like the other Spanish posts, had become a depot and rallying point of Negroes and Indians, to which they had retreated for refuge and protection, after being driven from Negro Fort, St. Marks, and Pensacola.

The order given to Gen. Gaines was entirely conditional and prospective; and, had the facts reported been established, as directed, there would have existed the same incontrovertible reason for the occupancy of St. Augustine, as of the other Spanish fortresses. The orders of your respondent had undergone no modification; and the measure would have been indispensably necessary to their execution, as well as to the peace and security of our frontiers. Besides, he had transmitted to the War Department regular information of his proceedings in Florida with the reasons and motives by which he had been governed, from the 25th of March to the 7th of August, without a sentence of dissatisfaction ever having been expressed by the government.

Your committee also report, that, "long before this period, the commanding general had, by his letter to the Secretary of War, declared the Seminole war at an end; and after which, not a single new act of hostility had been committed." It is true, after the defeat of the Negroes and Indians, at Micasuky, the destruction of Suwanee, and the asylum of St. Marks had been wrested out of their occupation, that your respondent persuaded himself the war was ended. But, subsequent information proved this opinion to be erroneous. The letter of Governor Bibb, appended to the report to the Senate, as well as the deposition of Charles Baron, details sundry outrages committed subsequent to the date of your respondent's letter to the Secretary of War; and it is also known that six men were murdered in the interior, which it is believed was communicated by Gen. Gaines, to the War Department. The communications of Gen. Gaines and Maj. Fanning, annexed to the report, also give a very different aspect to this question, and to which your respondent begs leave to refer your honorable body.

In the animadversions upon the motives of your respondent, he cannot withhold the opinion, that there has been exhibited an unusual share of asperity, as also a want of charity and forbearance which was not to have been anticipated from members of so august and enlightened a body as the Senate of the United States, deliberating upon a subject which they have represented to be of great national magnitude. Leaving the motives of the committee on this occasion to their own private review and examination, your respondent will barely observe, that they have imperfectly recognized the maxim, that innocence is always presumed until the contrary appear by proof. Why

they should have enquired into the motives of your respondent at all, he is at loss to determine, as it was a matter entirely beyond their control and jurisdiction. The only subject of investigation was the legality of his official acts, as designated in the resolution of the Senate, of the 18th of December.

Your respondent has no objection to this course, except as a pernicious precedent, and a violation of authority. He has no secrets, and will never shrink from a rigid and impartial examination into his official conduct. Had the committee adverted to the order to take possession of St Augustine, as well as the communications of your respondent to the Secretary of War, upon the subject of his military operations, they must have been satisfied that his motives were to promote the public good: to obey his orders, by carrying on a vigorous and efficient war against the savage enemies of the U. States; by which the blood and treasure of the nation was to be economized; to establish a peace that would be honorable and permanent, and to give repose and security to our exposed and defenceless borders.

In this instance, as well as in some others, the report of the committee is contradicted by the evidence of its own documents. The depositions of Col. Butler, (and Maj. Eaton, a member of the committee) conclusively prove that your respondent had no agency in speculating in Florida lands, which is in direct opposition to the inference drawn by your committee. No member of that committee can, for a moment, seriously and candidly harbor the opinion that your respondent would lead a gallant army into the field—jeopardize the lives of valuable citizens—risk the ruin of health and reputation, and “violate the constitution” of his country, for the purpose of speculating with security in Spanish lands. The “motives of his own, unconnected with his military functions, were a desire to end speedily a savage war, and to save the blood and treasure of the country; and not, as charged, to adventure his health and reputation, and the lives of brave men, in quest of titles to Florida lands. The imputation is unwarranted and unjust, and has its refutation in the very testimony which the committee have published. The dignity of his office, which, at every exposure, he has sought to maintain, never has been prostituted to the purposes of speculation in any way, and it never shall. Strange, then, that honorable men should make so foul an accusation without proof, nay without even circumstances to support it.

Your respondent would beg leave, in this place, to remark upon the depositions annexed to the report. He ventures the opinion that such documents never before have been published to the world as evidence upon which to predicate a report. Eaton's and Mitchell's are the only depositions presented in legal form. To those two gentlemen, regular interrogatories were proposed, to which they deliberately responded and affixed their signatures as required by law. Doctor Bronaugh's deposition is signed, but not given under oath; colonel Butler's, colonel Gibson's, and captain Call's are neither sworn to nor signed. The depositions of the four last gentlemen were published without their knowledge, although they had received a promise from the members of the committee, who took down the testimony, that it should be copied, and again submitted to them for correction and signature.

Until depositions are fully examined, amended, and signed, by the witnesses, they cannot be

considered good and complete evidence. This is a rule, which, it is believed, is uniformly adhered to in all judicial tribunals; it never should be departed from on any occasion; as it is essentially necessary to an impartial administration of justice. Every opportunity should be given the witnesses to make a fair and full disclosure of the facts; to consider the force and effect of their expressions, as well as the import of every sentence. By an opposite procedure irreparable injustice may be done, and the rights of a public agent sacrificed by those who should afford him security and protection.

There are several minor points touched upon by the committee to which your respondent considers it unnecessary to give a particular reply; as they are of inconsiderable importance, and could not be noticed without swelling this memorial to an unwieldy size. He flatters himself they have been satisfactorily answered in the discussion of the other subjects, out of which they have incidentally arisen. They will all, however, be more amply and minutely explained, by an examination of documents heretofore communicated to Congress, relative to the Seminole war; to others on file in the War Office, and to those accompanying this memorial; to all of which your respondent respectfully refers your honorable body.

To conclude: Your respondent has devoted his best services to the cause of his country, and to the perpetuation of her liberties. Her constitution and laws are objects of his sincere veneration; and every anxiety of his heart has been enlisted to promote the glory and happiness of his country. How far he has been instrumental, under the guidance of Providence, in effecting those desirable objects, he submits to the decision of his enlightened fellow citizens. He does not pretend to be exempt from the errors common to human nature. Surrounded as he was, by every privation and embarrassment—in all the hurry and bustle of war, it was next to impossible to attend particularly to every minor consideration.

But, upon the great errors charged—a breach of his orders—a departure from the constitution, and a violation of the rights of humanity—he openly maintains his innocence, and denies that the charges are correctly made. He calls upon the Senate, by the high claims they prefer to magnanimity, to protect his reputation from the unmerited censure cast by their committee. He asks for justice, and nothing more; to extend it, is due to your respondent, to the Senate, and to the nation.

ANDREW JACKSON,

Major Gen. Commanding Southern Division.

#### THE NATIONAL REGISTER,

Is published every Saturday, at the city of Washington, in the District of Columbia, and each number contains sixteen pages, large octavo, in small but very legible type. It makes two volumes in the year, and every volume is accompanied with a *copious index*. Eight volumes are already printed, and the ninth will be completed on the thirtieth day of June next. The price is five dollars per annum payable in advance.

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